

Town Board Minutes

July 21, 2008
Meeting No. 23

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 21st day of July 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, spoke to the Town Board on the following matter:

- burning brush on Stony Road

Beutler, Daniel, spoke to the Town Board on the following matters:

- Town owned building on Walden Avenue
- Town owned building on Columbia Avenue

Chowaniec, Lee, spoke to the Town Board on the following matters:

- proposed site plan of Wal-Mart
- Town wide traffic study

Klembczyk, Alan, spoke to the Town Board on the following matter:

- land being leveled in Windsor Ridge Subdivision

Galczynski, Martin, spoke to the Town Board on the following matter:

- lighting and drainage at Wal-Mart

Fronczak, Mike, spoke to the Town Board on the following matters:

- urges the Town to create a permit issuing plumbing department

Welker, Paul, spoke to the Town Board on the following matter:

- pending fund drive for Lancaster Volunteer Ambulance Corps

Neal Madden, Esq., spoke to the Town Board on the following matter:

- as Attorney for Wal-Mart, extends appreciation to Town officials for cooperation

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Joanne Rocco for a Special Use Permit, for a Home Occupation, on premises locally known as 5300 William Street, Town of Lancaster, County of Erie, State of New York.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Joanne Rocco, petitioner	Proponent
Peter Sorgi, Attorney representing the petitioner	Proponent

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:39 P.M.

Decision on this matter was reserved.

July 21, 2008

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held July 7, 2008 and the Regular Meeting of the Town Board held July 7, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of July, 2008, for the purpose of creating an Open Container Ordinance, Chapter two (2), in the Code book of the Town of Lancaster, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That Chapter two (2) of the Code of the Town of Lancaster be added in the form attached hereto and made a part hereof;
- 2. That said addition be added in the minutes of the meeting the Town Board of the Town of Lancaster held on July 21, 2008;
- 3. That a Certified Copy thereof be published in the Lancaster Bee on July 24, 2008;
- 4. That a Certified copy of the amendment be posted on the Town Bulletin Board;
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk;

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

**LEGAL NOTICE
NOTICE OF ADOPTION
ADDITION OF OPEN CONTAINER ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that Chapter two (2) of the Code of the Town of Lancaster, Erie County, New York, is hereby added as follows:

Chapter 2

OPEN CONTAINERS

§2-1. Legislative intent.

§2-2. Definitions.

§2-3. Possession on public lands prohibited.

§2-4. Exceptions.

§2-5. Applicability

§2-6. Penalties for offenses.

§2-7. Consumption of alcoholic beverages restricted.

§2-1. **Legislative intent.**

It is the intent of the Town of Lancaster as an exercise of its police power to promote the general health, safety and welfare of the residents of the Town of Lancaster by enacting this Article, since it is the finding of the Town Board that the possession of open containers of alcoholic beverages by persons on public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Town of Lancaster in that such possession contributes to the development of unsanitary conditions and the creation of nuisances.

§2-2. **Definitions.**

For the purpose of this Article, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGE- includes alcohol, liquor, wine, beer, cider and every liquid, patented or not, containing alcohol, wine or beer and capable of being consumed by a human being.

CONTAINER- Any bottle, can, glass, or other receptacle suitable for or used to hold any liquid.

PUBLIC LANDS -Any highway, street, sidewalk, park, playground, public parking lot or other public land.

§2-3. **Possession on public lands prohibited.**

No person shall have in his possession any open container containing an alcoholic beverage on any public land within the Town of Lancaster.

§2-4. **Exceptions.**

The foregoing prohibition shall not apply in the event of a fair, picnic, or other community gathering for which special permission has been granted by the Town of Lancaster, where consumption of Alcoholic beverages shall be permitted during those hours when such function is open to the public.

§2-5. **Applicability.**

This Article shall apply to all persons on public lands in the Town of Lancaster.

§2-6. **Penalties for offenses.**

Any person or persons, association or corporation committing an offense against this Article or any section or provision thereof is guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or by imprisonment for a period not exceeding fifteen (15) days for each such offense, or by both such fine and imprisonment.

§2-7. **Consumption/possession of alcoholic beverages restricted.**

No person shall consume any alcoholic beverage or have in his possession any open container containing an alcoholic beverage, with the intent to consume the same, in public, within the limits of the Town of Lancaster.

July 21, 2008

STATE OF NEW YORK	:	
COUNTY OF ERIE	:	SS:
TOWN OF LANCASTER	:	

This is to certify that **I, JOHANNA M. COLEMAN**, Town Clerk and Registrar of Vital Statistics of the Town of Lancaster in the said County of Erie, have filed the original ordinance in my office at Lancaster, New York, on the 21st day of July, 2008,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 21st day of July, 2008.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of July, 2008, on the petition of **Niagara Lutheran Health System Inc.**, 64 Hager Street, Buffalo, New York 14208, the owner of a parcel of land located on 5949, 5965, 5979, 5983, and 5987 Broadway, in the Town of Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Residential Commercial Office District (RCO) to Multi Family Residential District 3 (MFR-3), and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held May 21, 2008 unanimously recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone project on July 7 , 2008 and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a Residential Commercial Office District (RCO) to Multi Family Residential District 3 (MFR-3):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9 Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

BEGINNING AT A POINT on the present south line of Broadway Route 20 (100 feet wide right of way) formerly Cayuga Creek Road 686.18 feet east of the west line of said Lot 9;

THENCE: Continuing easterly along the south line of Broadway a distance of 182.93 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 forming an exterior angle of $77^{\circ}-17'-45''$ a distance of 257.28 feet to a point;

THENCE: Westerly along a line forming an interior angle of $76^{\circ}-59'-45''$ a distance of 491.07 feet to a point;

THENCE: Northerly along a line forming an interior angle of $103^{\circ}-00'-15''$ a distance of 75.00 feet to a point;

THENCE: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of $76^{\circ}-59'-45''$ a distance of 307.92 feet to a point;

THENCE: Northerly along a line parallel with the east line of said Lot 9 forming an exterior angle of $76^{\circ}-59'-45''$ a distance of 181.30 feet to the point of place of beginning, containing 1.6 acres more or less and,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9, Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

BEGINNING AT A POINT intersecting with the east line of said Lot 9 and the present south line of Broadway Route 20(100 feet wide right of way) formerly Cayuga Creek Road;

THENCE: Continuing westerly along the south line of Broadway a distance of 424.13 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 forming an interior angle of $77^{\circ}-17'-45''$ a distance of 182.69 feet to a point;

THENCE: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of $103^{\circ}-00'-15''$ a distance of 249.64 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 a distance of 125.00 feet to a point;

THENCE: Easterly along a line parallel with the former centerline of Cayuga Creek a distance of 175.00 feet to a point on the east line of Lot 9;

THENCE: Northerly along said east line of Lot 9 a distance of 309.96 feet to the point or place of beginning, containing 2.2 acres more or less.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 21st day of July, 2008;
3. That a certified copy thereof be published in the Lancaster Bee, on or before the 24th day of July, 2008;
4. That Affidavits of Publication be filed with the Town Clerk; and
5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
5949, 5965, 5979, 5983, and 5987 BROADWAY
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a Residential Commercial Office District (RCO) to Multi Family Residential District 3 (MFR-3),

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9 Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

BEGINNING AT A POINT on the present south line of Broadway Route 20 (100 feet wide right of way) formerly Cayuga Creek Road 686.18 feet east of the west line of said Lot 9;

THENCE: Continuing easterly along the south line of Broadway a distance of 182.93 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 forming an exterior angle of $77^{\circ}-17'-45''$ a distance of 257.28 feet to a point;

THENCE: Westerly along a line forming an interior angle of $76^{\circ}-59'-45''$ a distance of 491.07 feet to a point;

THENCE: Northerly along a line forming an interior angle of $103^{\circ}-00'-15''$ a distance of 75.00 feet to a point;

THENCE: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of $76^{\circ}-59'-45''$ a distance of 307.92 feet to a point;

THENCE: Northerly along a line parallel with the east line of said Lot 9 forming an exterior angle of $76^{\circ}-59'-45''$ a distance of 181.30 feet to the point of place of beginning, containing 1.6 acres more or less and,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie State of New York, being part of Lot 9, Section 4, Township 11, Range 6 of the Holland Land Survey bounded and described as follows:

BEGINNING AT A POINT intersecting with the east line of said Lot 9 and the present south line of Broadway Route 20(100 feet wide right of way) formerly Cayuga Creek Road;

THENCE: Continuing westerly along the south line of Broadway a distance of 424.13 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 forming an interior angle of 77°-17'-45" a distance of 182.69 feet to a point;

THENCE: Easterly along a line parallel with former centerline of Cayuga Creek Road forming an interior angle of 103°-00'-15" a distance of 249.64 feet to a point;

THENCE: Southerly along a line parallel with the east line of said Lot 9 a distance of 125.00 feet to a point;

THENCE: Easterly along a line parallel with the former centerline of Cayuga Creek a distance of 175.00 feet to a point on the east line of Lot 9;

THENCE: Northerly along said east line of Lot 9 a distance of 309.96 feet to the point or place of beginning, containing 2.2 acres more or less.

July 21, 2008

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 21st day of July 2008 and that the same is a true and correct copy of said original, and of the whole thereof.
IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 21st day of July, 2008

(S E A L)

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, The Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning- Section 17 (F) if the Code of the Town of Lancaster, upon the application of **Susan Ida Szwajda**, for a Special Use Permit for a Home Occupation (Massage Therapy Office) on premises located at 91 Nichter Road in the Town of Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW, THEREFORE, BE IT
RESOLVED as follows:**

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled “Home Occupations” of the Code of the Town of Lancaster does hereby grant a Special Use Permit to **Susan Ida Szwajda**, for a Home Occupation (Massage Therapy Office) on the premises located at 91 Nichter Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and
2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:
 - a. Permit must be renewed every two (2) years at no additional cost to the applicant.
 - b. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO, SR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 7th day of July, 2008 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;

**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on July 21, 2008;
3. That a Certified Copy thereof be published in the Lancaster Bee on July 24, 2008;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X

ARTICLE X - Parking, Standing and Stopping.

§46-12 Parking prohibited in designated locations. is hereby amended by adding thereto the following:

- A. The parking of a vehicle is hereby prohibited at any time in the following locations:
- (71) In Bowmansville, on the east side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Old Genesee.
- (72) In Bowmansville, on the west side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Anna Drive.

and

ARTICLE X - Parking, Standing and Stopping.

§46-13 Standing prohibited in designated locations, is hereby amended by adding thereto the following:

- A. The standing of vehicles is hereby prohibited in any of the following locations:
- (72) In Bowmansville, on the east side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Old Genesee.
- (73) In Bowmansville, on the west side of Harris Hill Road from the intersection of Harris Hill and Genesee Street north to Anna Drive.

July 21, 2008

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 21st day of July, 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 21st day of July, 2008.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Town of Lancaster has acquired a vehicle and chassis for use as
a mobile emergency operations center, and

WHEREAS, State Senator Dale Volker has secured \$28,000 to renovate the
vehicle and chassis and equip the mobile emergency operations center with communications
equipment.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be
authorized and directed to complete the necessary application, forms, etc. to be submitted to the
New York State Department of State for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to
execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT’S ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, this organization has received a special grant in the 2004-2005 New York State Budget in the amount of \$20,000 to renovate the existing metal picnic shelter at Keysa Park and replace the concrete pad; and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;

NOW THEREFORE, this body resolves the following:

- 1. Administration of all funds under this grant will be in accordance with all terms and conditions contained in ***“GUIDELINES to prepare Grant Agreements for non-construction projects \$50,000 and under - Fiscal Year 2008-2009,”*** provided by the New York State Office of Parks, Recreation and Historic Preservation
- 2. That Robert H. Giza, as Supervisor of our organization, is hereby authorized to sign legal documents on behalf of our organization and that such signature is acknowledgment of the acceptance by this body of compliance with all terms and conditions of the grant agreement, to be executed for the grant.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, John Militello, 15 Haviland, Getzville, New York has applied for a Dumping Permit for property situate at 6433 Genesee Street, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board, and

WHEREAS, the source of the fill will be from the building sites of Kensington Village, Better Business Bureau in Amherst and EduKids in Elma.

NOW, THEREFORE, BE IT

RESOLVED, that John Militello, 15 Haviland, Getzville, New York be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by applicant at 6433 Genesee Street, Lancaster, New York, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and

BE IT FURTHER

RESOLVED, that this permit is conditioned in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill shall consist of hard clay, stones, broken concrete or asphalt. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
2. The applicant should be aware that if he intends to build on any filled area, the foundation shall be extended to original soil.
3. Access to the site shall be controlled to prevent unauthorized dumping of non-permitted material.
4. Dirt tracked on the road must be cleaned on a daily basis and more often if necessary. The Town of Lancaster Police shall stop operation immediately upon complaint of dirty road. Driveway for hauling fill shall be stoned with #3 or #4 stone for 50' from the edge of Schlemmer Road.
5. Fill area shall be topsoiled and seeded upon completion of filling.
6. Dumping will be allowed between the hours of 7 A.M. and 8 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.
7. Dust from the site shall also be prevented from migrating off site.
8. Silt fence shall be put around the area to be filled.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated on this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, a vacancy will exist in the Records Bureau of the Lancaster Police Department due to the impending retirement of Patricia Kostecky on August 1, 2008, and

WHEREAS, the Chief of Police, by letter dated July 16, 2008, has recommended the appointment of Georgine Bolender to the position of Clerk Typist in the Records Bureau of the Lancaster Police Department. The current competitive civil service list for the position of Clerk Typist has been duly canvassed by the Chief of Police, and Georgine Bolender qualifies for appointment to this position pursuant to the procedures as set forth in the Civil Service Law.

_____ **NOW, THEREFORE, BE IT**

_____ **RESOLVED**, as follows:

1. That Georgine Bolender, 114 Pleasant Avenue, Lancaster, New York be and is hereby appointed to the permanent civil service competitive position of Clerk Typist, full-time, in the Records Bureau of the Lancaster Police Department, with full benefits, effective August 18, 2008.
2. That the salary for this position shall be on step for the period August 18, 2008 - December 31, 2008, with a starting salary of \$32,218 per annum which is 85% of the full rate of \$37,904, with subsequent salary steps in accordance with Town Policy.
3. That the Supervisor take the necessary action with the Personnel Officer of the County of Erie.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has requested that Wm. Schutt & Associates, P.C. provide the Town of Lancaster with design modifications for the currently occupied space within the Town Hall facility and for the existing ambulance garage annex at the rear of the Town Hall, and

WHEREAS, Wm. Schutt & Associates, P.C. deems it necessary to retrieve soil borings and samples to ascertain the physical characteristics of the supporting soils to identify foundation design parameters and the seismic classification; and

WHEREAS, Wm. Schutt & Associates, P.C. has solicited quotes for technical services to retrieve the soil borings and perform the geotechnical investigation in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, Wm. Schutt & Associates, P.C. has recommended the use of the aforementioned services in accordance with said specifications from the lowest quote thereon, Empire GEO Services, Inc., 5167 South Park Avenue, Hamburg, New York 14075.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement, which will be subject to approval by the Town of Lancaster Attorney, with Empire GEO Services, Inc., 5167 South Park Avenue, Buffalo, New York to perform soil borings and geotechnical investigations regarding the completion of the design of supporting foundations and footers for currently occupied space within the Town Hall facility and for the reuse of the existing ambulance garage annex at the rear of the Town Hall for a sum not to exceed \$2,975.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board, acting as SEQRA Lead Agency, previously oversaw the circulation of a Draft Environmental Impact Statement (“DEIS”); Final Environmental Impact Statement (“FEIS”) and Lead Agency SEQRA Findings dated April 8, 2002 for a proposed “Gateway Centre” Shopping Center to consist of approximately 270,000 square feet of commercial buildings on approximately 36 acres of land at the corner of Transit Road and William Street in the Town of Lancaster (the “Property”).

WHEREAS, the Town Board duly adopted re-zoning resolutions on April 8, 2002 for the Gateway Centre Shopping Center to be zoned as GB- General Business.

WHEREAS, the Town of Lancaster Zoning Board of Appeals on January 23, 2003 adopted its own SEQRA Findings and approved certain area variances for Gateway Centre which approved variances “run with the land” and are still in effect.

WHEREAS, the Town Board on February 10, 2003 adopted certain Supplemental SEQRA Findings for Gateway Centre and also approved a Site Plan for development of Gateway Centre with a single, approximately 150,327 square foot retail/commercial building located thereon. The Site Plan approvals were duly extended by resolutions of the Town Board adopted on February 8, 2005 and January 16, 2007.

WHEREAS, all or some of the above- referenced Town of Lancaster approvals were the subject of litigation by “Citizens Against Retail Sprawl - CARS”, but all challenges were dismissed by the Courts and all of the above- referenced approvals are “final”.

WHEREAS, the Gateway Centre applicants also obtained a permit from the U.S. Army Corps of Engineers (“USACOE”) to fill certain “wetland” areas on the Property. The USACOE Permit was transferred to Wal-Mart. Federal wetlands on the Gateway Centre site were filled in accordance with the USACOE Permit and all mitigation measures required by the USACOE permit have been complied with. An April 2004 federal lawsuit by “CARS” (Citizens Against Retail Sprawl) challenging the USACOE Permit was dismissed, with prejudice on January 4, 2008.

WHEREAS, Wal-Mart Stores East, LP (“Wal-Mart”) purchased approximately 24 acres of the Property on or about January 17, 2006 and the Wal-Mart parcel includes the area that was the subject of the Town Board’s February 10, 2003 Site Plan Approval. Wal-Mart and the developer of Gateway Centre also entered into a Declaration of Reciprocal Easements and Covenants on or about January 17, 2006 which grants Wal-Mart certain drainage easements over lands retained by developer located north of the Wal-Mart parcel.

WHEREAS, on June 2, 2008 Wal-Mart submitted a “Request to Revise Approved Site Plan” (“Wal-Mart Request”) to the Town Board. The revised plan involves shifting virtually the same sized building “footprint” of 150,327 (now 150,228) square feet approximately 280 feet to the north; extending the landscaped eastern berm to the north; adding a fence to such berm (as requested by adjacent residents); relocating the loading dock to the north side of the building to better buffer adjacent residents and improve truck delivery access; enhancing the storm water system to comply with post 2003 stormwater standards for construction; and to increase the store setback from William Street.

WHEREAS, the Wal-Mart Request was forwarded to the Erie County Division of Planning for its input under General Municipal Law; to the Town Planning Board for its advisory report; to the Town’s consulting engineers; to the Town’s legal counsel and to appropriate town staff for review.

WHEREAS, on June 18, 2008 the Town Planning Board unanimously recommended approval of the Wal-Mart Request subject to Wal-Mart adding some additional trees to the Landscape plan, which Wal-Mart has agreed to do.

WHEREAS, Erie County Division of Planning, pursuant to General Municipal Law § 239-m, has reported that the proposal is a local matter and made no recommendation.

WHEREAS, the Town's consultants and staff have also advised the Town Board that the revised site plan proposed by Wal-Mart is consistent with or has even less impacts than the February 10, 2003 approved Site Plan.

WHEREAS, the Town Board and Town Planning Board met on July 7, 2008 to review whether the revised site plan justified any supplemental environmental review and the Town Board unanimously concluded that no supplemental environmental review was appropriate.

WHEREAS, the Town Board has compared the revised Wal-Mart site plan with the February 10, 2003 approved Site Plan and makes the following FINDINGS:

1. The Revised Site Plan is consistent with the intent, objectives and applicable requirements of the Town of Lancaster Zoning Ordinance and with the area variances approved by the Town of Lancaster Zoning Board of Appeals on January 23, 2003.
2. The 105-foot-wide buffer area between the Wal-Mart project and the Northwoods residents is maintained and is enhanced by additional plantings extended as recommended by the Town Planning Board and by a fence specifically requested by the Northwoods residents.
3. Thirty-two foot high light poles are continued in the parking area. The Lighting Plan submitted shows virtually no light at the property line with the adjacent Northwood residents.
4. The previously approved stormwater system (on land adjacent to Wal-Mart's parcel over which it has easement rights) has been upgraded to meet current stormwater quality standards.
5. The prior SEQRA review was conducted based upon a total Gateway Centre "build out" of 270,000 square feet on 36+ acres and a Wal-Mart building of 150,327 square feet. Wal-Mart is the fee owner of 24+ acres or approximately 67% of the overall Gateway Centre area. On a proportional basis the Wal-Mart owned parcel could accommodate approximately 180,000 square feet of retail space. However, the Revised Site Plan is for virtually the same sized Wal-Mart building as previously approved- 150,327 (now 150,228) square feet.
6. Five-foot-wide sidewalks on William Street from Transit Road to the east property line are shown on the Revised Site Plan.
7. The proposed sixty foot wide Conservation Easement to the Town for a portion of the buffer area is included on the Revised Site Plan.
8. The rear wall of the Wal-Mart building (facing towards Northwood residents) is earth toned as shown in the revised architectural Elevations included with the Revised Site Plan application.
9. The revised architectural treatment is a substantial upgrade and improvement over the 2003 design.
10. The shift of the building to the north improves the visibility of the building from Transit Road which is intended to be the primary access point for the store.
11. The revised loading dock location (from the William Street side of the building to the north side) provides enhanced buffering for the Northwood residents.
12. The revised loading dock location provides for more direct access from Transit Road and further minimizes truck delivery maneuvers on site.

13. HVAC units have been located on the building as far to the west as is practical. A four foot high parapet wall along the rear of the building will be constructed to provide additional shielding.
14. Traffic Projections and Traffic mitigation plans were based upon a 270,000 square foot “build out” plus the existing out parcels. The Wal-Mart building, proposed at 150,228 square feet, represents approximately one-half of that traffic projection. The “Trip Generation” rates used in the Supplemental Draft & Final EIS’s are virtually the same rates used today for traffic analyses associated with new Wal-Mart stores.
15. Traffic mitigation specified in the prior SEQRA Findings for the entire Gateway Center Project (of which the Wal-Mart store is only a part of) has been designed and approved by NYSDOT. Construction of those improvements will be conducted concurrent with the store construction and will be completed prior to store opening.

**NOW, THEREFORE, BE IT
RESOLVED, that :**

1. Wal-Mart’s June 2, 2008 Request and Revised Site Plan is accepted as complete and the Town Board waives the submission of a separate development plan.
- 2.. The Revised Site Plan is consistent with the prior SEQRA Determinations made by this Board and therefore the prior FEIS does not need to be re-opened or supplemented insofar as any potential adverse environmental issues of the revised site plan were fully addressed in the prior SEQRA FEIS.
3. The requirements of the SEQRA Regulations at 6 NYCRR part 617 have been met.
4. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action (revised site plan) is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the to the extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the prior SEQRA review and in these resolutions.
5. The Town Board hereby approves the Wal-Mart Revised Site Plan subject to the following conditions (which conditions are the same as the applicable conditions contained in this Board’s Site Plan approval resolution dated February 10, 2003 or as such conditions are updated *in italics* to reflect the Revised Site Plan submitted by Wal-Mart). The term “Developer” shall mean Wal-Mart.
 - A. Developer shall install 5’ sidewalks on William Street from Transit Road to the east property line;
 - B. Developer shall dedicate a 60’ conservation easement to the Town of Lancaster in accordance with the Town of Lancaster Town Board’s rezoning resolution dated April 8, 2002, which easement shall recite that there shall be no disturbance of the natural setting permitted except as determined to be necessary by the Town of Lancaster to assure the integrity of the conservation area and its purpose to provide a buffer to the residential housing located easterly of the premises, which buffer purpose will be furthered by construction of the berm shown on the applicant’s grading plan. Said berm shall avoid disturbance of the natural vegetation in the buffer area to the maximum extent practicable. The conservation area will be re-evaluated after the site landscaping plan has been finalized to assess

if further plantings are needed in this area to replace vegetation damaged during construction.

- C. The rear (eastern) wall of the building shall be earth-toned *as shown in the revised architectural elevation*.
- D. No dumpsters are shown on the Revised Site Plan, nor are dumpsters permitted on site. The Revised Site Plan provides for compactor units located within the loading dock area and also provides for a bale storage area north of the loading docks.
- E. Developer shall cause screening of the HVAC units which shall be located on the roof of any building as far to the west or front face of the building roof as practicable to reduce noise emanating from these units. *Developer shall also provide a 4' high parapet wall along the east roof of the building.*
- F. *Neither Wal-Mart or any other party* shall be permitted to extend the paper street Transit Boulevard from Transit Road as a public or private roadway and, further, shall not be permitted to connect any paved parking area on site to an existing dedicated Transit Boulevard to the east or to any private road, extension of Transit Boulevard, or any portion of the paper street identified as Transit Boulevard running easterly from the project site.
- G. Developer shall not be permitted to cause installation of loading docks along the easterly or rear wall of the building.
- H. Developer shall landscape the site in conformance with the *revised* site plan with free standing trees to be planted at 20' intervals.
- I. Developer and owner shall grade, vegetate and maintain the area of the site that is stripped and not developed.
- J. The north roadway as shown *on the 2003 approved site plan* shall not be built as part of this *Revised Site Plan approval*.
- K. Developer to construct turning lanes on William Street at the access road to William Street to wit: an easterly left turn lane and a westerly right turn lane resulting in a four-lane road at the access road at William Street.
- L. No deliveries to be permitted to the *Wal-Mart* building between the hours of 11:00 PM and 7:00 AM, Local Time.
- M. No outside public address speakers will be allowed in the easterly 300 ft. of the property and no outside speakers anywhere on site shall face easterly.
- N. Developer to be responsible for replacement of any planting per this site plan which is damaged or dies with replacement to be made in the fall or spring growing season.
- O. No overnight parking of recreational vehicles or trucks shall be allowed.
- P. No temporary storage trailers or other storage units shall be allowed.
- Q. Any sidewalk disturbed by pavement buildout along Transit Road shall be replaced.
- R. Subject to terms of Zoning Board of Appeals *area variances granted January 23, 2003*.

6. The Town Board hereby approves the Wal-Mart Revised Site Plan subject to the following additional conditions:
- A. The Wal-Mart building depicted on the Revised Site Plan does not include any Tire-Lube Express (“TLE”) operation.
 - B. Wal-Mart will erect signs indicating that no delivery truck traffic can enter the site from William Street, but instead shall require use the Transit Road entrance.
 - C. The Landscaping proposed along the easterly portion of the site shall be extended to run southerly to a point approximately 100’ from the center line of William Street.
 - D. A six-foot high board on board vinyl fence will be added to the top of the landscaped berm as shown on the Revised Landscaping Plan, Drawing. C-5.
 - E. The paved fire access area behind (east of) the Wal-Mart building is for emergency use only and shall not be used for deliveries or unloading.
 - F. Special Conditions Numbers 1 and 2 of the USACOE Permit, a copy of which is on file in the Office of the Town Clerk, shall not be deemed fulfilled until Wal-Mart has demonstrated mitigation success and has provided to the Town written verification from the USACOE, however, fulfillment of said conditions is not required prior to issuance of Town permits.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED NO
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

July 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 3264 to Claim No. 3527 Inclusive

Total amount hereby authorized to be paid: \$1,052,057.64

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER STEMPNIAK, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

15872	Machniak, John	66 Stutzman Rd	Er. Shed	
15873	Alliance Homes	60 Park Blvd	Er. Res. Add.	(V/L)
15874	Gregor, Scott	10 Red Clover Ln	Er. Fence	
15875	City Fence Co	17 Willow Ridge Ln	Er. Fence	
15876	Adolf, Garron	185 Aurora St	Er. Shed	(V/L)
15877	Seifbold Construction	24 Hidden Trl	Re-Roof House	
15878	Classic Fence	484 Harris Hill Rd	Er. Fence	
15879	Iroquois Fence Con	17 Ashwood Ct	Er. Fence	
15880	B & B Fence Co	169 Nathan's Trl	Er. Fence	
15881	Marrano/Marc Equity	2 Red Clover Ln	Er. Dwlg.-Sin.	
15882	Myers, Pamela	33 School St	Re-Roof House	(V/L)
15883	Division 21 Inc	52 Freeman Dr	Er. Comm. Alt.	
15884	Surety Construction	46 Oxford Ave	Re-Roof House	(V/L)
15885	Kaushinger, Joseph	204 Schwartz Rd	Er. Res. Add.	
15886	Lancaster Home Imprv	10 Farmview Ct	Er. Res. Add.	
15887	Aqua Systems Of WNY	21 Chicory Ln	Inst. Inground Sprinkler	
15888	Besroi Construction	73 Wilma Dr	Re-Roof House	(V/L)
15889	Besroi Construction	118 Michael's Walk	Re-Roof House	
15890	Besroi Construction	10 Quail Hollow	Re-Roof House	
15891	Besroi Construction	9 Rose Hill Cir	Re-Roof House	
15892	Leveled Contracting	20 Vandenberg Ave	Re-Roof House	(V/L)
15893	Duro-Shed Inc	4975 William St	Er. Shed	
15894	Complete Heat	44 Liberty St	Install Generator	(V/L)
15895	Alden Pools Inc	42 Southpoint Dr	Er. Pool-Abv Grnd	
15896	Dream Co	6673 Transit Rd	Er. Comm. Bldg.	
15897	Kopera, James	194 Westwood Rd	Er. Pole Barn	
15898	Ling, James	231 Aurora St	Er. Sign-Wall	(V/L)
15899	Guardian Fences	23 Old Post Rd	Er. Fence	
15900	Sitzman Appliances	34 Stony Brook Dr	Install Generator	
15901	Iroquois Fence Co	31 Maple Ave	Er. Fence	(V/L)
15902	Myers, Thomas	15 Candice Ct	Er. Fence	
15903	Iroquois Fence Co	15 Ashwood Ct	Er. Fence	
15904	Rath, Gina	15 Greenbriar Dr	Re-Roof House	
15905	Marrano/Marc Equity Inc	1 Red Clover Ln	Er. Dwlg.-Sin.	
15906	City Fence Inc	1935 Como Park Blvd	Er. Fence	(V/L)
15907	Buscaglia Decks	29 Americo Ct	Er. Deck	
15908	Gregor, Scott	10 Red Clover Ln	Er. Deck	
15909	Deltex Electric	2 Lucia Ct	Install Generator	
15910	Newman, Kenneth	508 Ransom Rd	Er. Shed	
15911	Biracree, Thomas	1122 Penora St	Er. Res. Add.	
15912	Sahlem's Roofing	4 Grafton Ct	Re-Roof House	
15913	Sahlem's Roofing	2 Grafton Ct	Re-Roof House	
15914	Duro-Shed Inc	521 Pleasant View Dr	Er. Shed	
15915	All Star Fence	3976 Walden Ave	Er. Fence	

15916	Aldinger, Richard	84 Grant St	Re-Roof House	(V/L)
15917	Black Rock Roofing	19 Hillside Pky	Re-Roof House	
15918	Knittel, Harold	598 Lake Ave	Er. Dwlg.-Sin.	
15919	Marki, Edward	53 Lakeside Cres	Re-Roof House	(V/L)
15920	Scot Corporate Services	6727 Transit Rd	Er. Comm. Add.	
15921	Complete Heat Inc	180 Stony Rd	Install Generator	
15922	Elvin, Lopez	435 Pleasant View Dr	Er. Fence	
15923	Elvin, Lopez	435 Pleasant View Dr	Er. Shed	
15924	Granville, Laurel	5 Montauk Ln	Re-Roof House	
15925	Proline Pools	2 Ryan St	Er. Pool-Abv Grnd	
15926	H-D Unlimited Inc	22 Brandel Ave	Er. Pool-Abv Grnd	(V/L)
15927	Stitzman's Appliances	5769 Broadway	Install Generator	
15928	Cortese Bros	13 Matthews Dr	Er. Res. Add.	
15929	Stitzman's Appliances	6461 Broadway	Install Generator	
15930	Buscaglia Decks	10 St Davids Rd	Er. Deck	
15931	Proline Pools	169 Nathan's Trl	Er. Pool-Abv Grnd	
15932	Home Depot	169 Nathan's Trl	Er. Shed	
15933	Marks Roofing	7 Stutzman Rd	Re-Roof House	
15934	Duro-Shed Inc	227 Nathan's Trl	Er. Shed	
15935	Chojewski, John	12 Petersbrook Cir	Er. Deck	
15936	Neth & Son	27 Burwell Ave	Re-Roof House	(V/L)
15937	Neth & Son	15 Sagebrush Ln	Re-Roof House	
15938	Stockmohr & Co	723 Schwartz Rd	Re-Roof House	
15939	Stockmohr & Co	35 Hemlock Ln	Re-Roof House	
15940	Stockmohr & Co	587 Lake Ave	Re-Roof House	
15941	Stockmohr & Co	105 Irwinwood Rd	Re-Roof House	(V/L)
15942	Stockmohr & Co	146 Central Ave	Re-Roof House	(V/L)
15943	Watson, Thomas	26 Red Clover Ln	Er. Deck	
15944	Aqua Systems	45 Avian Way	Inst. Inground Sprinkler	
15945	The Rain Man	15 Chicory Ln	Inst. Inground Sprinkler	
15946	The Rain Man	27 Chicory Ln	Inst. Inground Sprinkler	
15947	Proctor Roofing	3825 Walden Ave	Re-Roof Com. Bldg	(V/L)
15948	Walter, Rachel	26 Hampton Ct	Re-Roof House	
15949	J M Richardson Homes	26 Sagebrush Ln	Er. Res. Add.	
15950	Transit Genesee Pediatrics	4845 Transit Rd	Er. Sign-Temp	
15951	Majestic Pools Inc	1120 Penora St	Er. Pool-In Grnd	
15952	Majestic Pools Inc	1120 Penora St	Er. Fence	
15953	Sahlen's Roofing	580 Lake Ave	Re-Roof House	
15954	Tri Town Construction	48 Irwinwood Rd	Re-Roof House	(V/L)
15955	TR Renovations Inc	128 Laverack Ave	Re-Roof House	(V/L)
15956	TR Renovations Inc	5027 William St	Re-Roof House	
15957	Capital Fence Inc	361 Seneca Pl	Er. Fence	
15958	Kazmierczak, Mary	76 Woodlawn Ave	Er. Deck	(V/L)
15959	H-D Unlimited	65 Albert Dr	Er. Pool-Abv Grnd	(V/L)
15960	Expert Fence Co	14 Americo Ct	Er. Fence	
15961	Efthemis, Gary	118 S Irwinwood Rd	Er. Deck	(V/L)
15962	Holtyn, Laura	43 Irwinwood Rd	Re-Roof House	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, a suspension was granted.

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to approve the purchase of a unique 37" 900 pound Verdin Bell which is to be erected in the existing clock tower at Westwood Park, and

WHEREAS, said bell is to be purchased from the Verdin Company which is the same company from which the Town of Lancaster purchased the clock tower, and

WHEREAS, funding for the purchase of said bell may be available from a grant or grants from the State of New York, and

WHEREAS, the 2008 Adopted Budget of the Town of Lancaster requires supplemental appropriations in order to fund said purchase,

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of Lancaster hereby authorizes the Town's grant writer, Grantmakers Advantage, to apply for grant money from the State of New York and the Supervisor is hereby authorized to execute any and all documents related to same to provide funding for the purchase of the above-mentioned Verdin Bell, and

BE IT FURTHER

RESOLVED that the Town Board of the Town of Lancaster hereby authorizes the purchase of a unique 37" 900 pound Verdin Bell from the Verdin Company at a cost not to exceed \$32,000 subject to the Town securing a grant or grants from the State of New York for the full cost of said bell, and

BE IT FURTHER

RESOLVED that the 2008 Adopted Budget of the Town of Lancaster be and is hereby amended as follows to provide funding for said purchase:

General Fund - Townwide	Increase
A510 Estimated Revenues	32,000
A3089 State Aid, Other	32,000
A960 Budget Appropriations	32,000
A7110.260 Parks - Other Capital Outlay	32,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 21, 2008

COMMUNICATIONS & REPORTS

334. NYS DOT to Town Attorney -
Notification of Lead Agency designation regarding Greenfield Manor, s/s of Broadway; comments noted. DISPOSITION = Planning Committee
335. Planning Board to Town Board -
Notice of tabling to July 16, 2008 meeting regarding Retail Development Project, 4817 Transit Road; comment noted. DISPOSITION = Received and Filed
336. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held July 2, 2008. DISPOSITION = Planning Committee
337. Town Engineer, Building Inspector to Town Board -
Recommend approval of dumping permit application of John Militello, 6433 Genesee Street; conditions noted. DISPOSITION = Resolution 7/21/08
338. Town Clerk to Town Board -
Transmittal of final settlement payment of 2008 County/Town Tax Warrant. DISPOSITION = Received and Filed
339. Town Clerk to Town Board -
Monthly report for June 2008. DISPOSITION = Received and Filed
340. Linguine's Italian Restaurant Inc to Town Clerk -
Notification of renewal application for liquor license. DISPOSITION = Town Attorney
341. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice from the Town Forestry Department of no concerns regarding preliminary plat plan for Deer Run Subdivision, south of William Street, w/s of Lake Avenue; comments and requirements noted. DISPOSITION = Planning Committee
342. NYS DEC to Town Attorney -
Notice of Lead Agency Designation regarding Transit Road Access Management Ordinance, Towns of Lancaster and Cheektowaga; comments noted. DISPOSITION = Planning Committee
343. NYS DEC to Town Attorney -
Notice of Lead Agency Designation regarding preliminary plat plan for Deer Run Estates Subdivision, south of William Street, w/s of Lake Avenue. DISPOSITION = Planning Committee
344. Village of Lancaster Christmasville Committee to Town Board -
Notice of fundraiser for Christmasville to be held July 25, 2008 at the Opera House. DISPOSITION = Received and Filed
345. Performance Advantage Company to Lancaster Industrial Development Agency -
Comments regarding recent LIDA advertisement. DISPOSITION = Received and Filed
346. Harter Secrest & Emery LLP to Supervisor -
Comments regarding revised site plan for Wal-Mart Store, n.e. corner of Transit & William. DISPOSITION = Planning Committee
347. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice from Town Forestry Department of no issues regarding revised site plan for Benderson Retail Development, 4817 Transit Rd. DISPOSITION = Planning Committee
348. Chief of Police to Town Board -
Request resolution to hire Georgine Bolender as Clerk Typist. DISPOSITION = Resolution 7/21/08
349. Jill Monacelli to Town Board -
Comments and concerns regarding signalization of William Street. DISPOSITION = Police Chief

- 350. David Kerchoff to Council Member Ronald Ruffino -
Letter of appreciation for attention given to parking situation on Shadyside and Pine View Ct. DISPOSITION = Received and Filed
- 351. NYS DEC to Town Attorney -
Notice of Lead Agency Designation regarding Benderson Retail Development, 4817 Transit Road; comments noted. DISPOSITION = Planning Committee
- 352. CSX Transportation to Council Member John Abraham -
Letter of response regarding condition of the Transit Road Overpass.
DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:31 P.M. in memory of Kenneth L. O’Brien, Jr.

Signed _____
Johanna M. Coleman, Town Clerk